

### REMARKS

Claims 2, 5, 6 have been canceled in favor of new claims 30-32, which are supported at least by the canceled claims. New claims 30-32 are dependent from claim 15 and are thus believed to be part of Group V as presented in the Restriction Requirement.

Claim 16 has been amended to correct a clerical error. Support for the recitation of "mRNA" is clearly provided at least on page 12, first full paragraph, of the specification as filed. Claim 21 has been amended to correct a typographical error.

Claims 17 and 23-27 have been amended to correct their claim dependencies in light of the renumbering of the claims, necessitated by a clerical error.

No new matter has been introduced, and entry of the amendments is respectfully requested.

### RESPONSE TO RESTRICTION

Reconsideration and modification or withdrawal of the Restriction Requirement is respectfully requested in light of the following remarks.

The Restriction Requirement presented the following Groups:

Group I, claims 1-6;  
Group II, claims 7-12;  
Group III, claims 13;  
Group IV, claim 14;  
Group V, claims 15-21;  
Group VI, claims 22-27;  
Group VII, claim 28; and  
Group VIII, claim 29.

Applicants respectfully point out, however, that Groups I to IV, inclusive, are all directed to arrays comprising nucleic acids hybridized to nucleic acids derived from abnormal or malignant cells, particularly those involved in breast cancer. Additionally, the Groups are all classified in the same class and subclass. Accordingly, and in light of the related functionalities between the arrays of claims 1-14 and the absence of a serious search burden in a single class

and subclass, Applicants respectfully request the withdrawal of the restriction between Groups I to IV.


Applicants also respectfully point out that the restriction between Groups V (now claims 15-21 and 30-32) and VI appears to be in error. Both Groups are classified in the same class and subclass and the descriptions for each of the two Groups appear to recognize that both Groups are directed to determining the stage of breast cancer. This functionality is made possible in both Groups by determining the expression of genes indicative of breast cancer stages, whether directly correlated with a stage or able to discriminate one stage from another.

In light of the above arguments, Applicants respectfully request reconsideration and withdrawal of the instant Restriction Requirement between Groups V and VI in favor of a single group comprising pending claims 15-27 and 30-32. This appears particularly warranted in light of the apparent absence of a serious search burden in a single class and subclass.

In the event that the Restriction Requirement is maintained, Applicants elect Group V, claims 15-21 and 30-32, with traverse for the reasons provided above.

If the Examiner believes a telephonic discussion would expedite prosecution of this application, she is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

  
Kawai Lau, Ph.D.  
Reg. No. 44,461

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (858) 350-6151  
Fax: (415) 576-0300